

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(Original, Design, National Stage of PCT, Supplemental)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below)

- ☒ original  
☐ design  
☐ supplemental  
☐ National Stage of PCT  
☐ divisional (see added page)  
☐ continuation (see added page)  
☐ continuation-in-part (see added page)

**INVENTORSHIP IDENTIFICATION**

My/our residence, post office address and citizenship is/are as stated below next to my/our name. I/We believe that the named inventor or inventors listed below is/are the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**COOL AIR INHALER**SPECIFICATION IDENTIFICATION**

The specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.  
(b) ☐ was filed on \_\_\_\_\_ as  
      ☐ Serial No. \_\_\_\_\_ or  
      ☐ Express Mail No. \_\_\_\_\_ as Serial No. (not yet known) and  
      was amended on \_\_\_\_\_ (if applicable).  
(c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
      \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on  
      \_\_\_\_\_ (if any).  
(d) ☐ amended on \_\_\_\_\_

**POWER OF ATTORNEY**

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list names and registration numbers)

Anthony G. M. Davis  
Gary D. Clapp  
Michael J. Bujold  
Scott A. Daniels

Registration No. 27,868  
Registration No. 29,055  
Registration No. 32,018  
Registration No. 42,462

☐ Attached as part of this Declaration and Power of Attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

Send Correspondence to:

PATENT &amp; TRADEMARK OFFICE

Direct Telephone Calls to:  
(603) 624-9220

Customer No. 020210  
Davis & Bujold, P. L. L. C.  
Fourth Floor  
500 N. Commercial Street  
Manchester, NH 03101-1151

Direct Telefaxes to:  
(603) 624-9229

## ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I/We hereby state that I/we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose to the United States Patent Office all information which is known to be material to patentability of this application as defined in § 1.56 of Title 37 of the Code of Federal Regulations.

## PRIORITY CLAIM

I/We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me/us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

### EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

| COUNTRY | APPLICATION NO. | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIMED<br>UNDER 37 USC 119                     |
|---------|-----------------|--------------------------------------|--|
|         |                 |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
|         |                 |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
|         |                 |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
|         |                 |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
|         |                 |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO |

### ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

---

---

☐ I/We hereby claim the benefit, under 35 U.S.C. 119(e), of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |
|-----------------------|------------------------|--|
|                       |                        |  |

## DECLARATION

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor: Timothy J. DONOHUE  
Inventor's signature: *Timothy J. Donohue* Date: 8/14/04  
Post Office Address: 55 Cedar Street, Apartment 2350, Woburn, MA 01810  
Residence: Same Country of Citizenship: U.S.

## **IMPORTANT NOTICE RE DUTY OF CANDOR AND GOOD FAITH**

The Duty of Disclosure requirements of Section 1.56(a), of Title 27 of the Code of Federal Regulations, are as follows:

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application, and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Patent Office all information they are aware of which is known to be material to patentability of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

By virtue of this regulation, each inventor executing the Declaration for the filing of a patent application acknowledges his/her duty to disclose information of which he/she is aware and which may be material to the examination of the application.

Inherent in this is the duty to disclose any knowledge or belief that the invention:

(a) was ever known or used in the United States of America before his/her invention thereof;

(b) was patented or described in any printed publication in any country before his/her invention thereof or more than one year prior to the actual filing date of the United States patent application;

(c) was in public use or on sale in the United States more than one (1) year prior to the actual filing date of the United States patent application; or

(d) has been patented or made the subject of inventor's certificate issued before the actual filing date of the United States patent application in any country foreign to the United States on an application filed by him/her or his/her legal representative(s) or assign(s) more than twelve (12) months before the actual filing date in the United States.

**NOTE:** The "Information" concerned includes, but is not limited to, all published applications and patents, including applicant(s) and assignee(s) own, United States or foreign application(s) and patent(s), as well as any other pertinent prior art known, or which becomes known, to the inventor or his/her representative(s). Where English language equivalents of foreign language documents are known, they should be identified and, when possible, copies supplied. Failure to comply with this requirement may result in a patent issued on the application being held invalid even if the known prior art which is not supplied is material to only one claim of that patent.

If there is any doubt concerning whether or not a citation is "material" to patentability of the application, it is better to err on the side of safety and disclose such art to the United States Patent Office.